IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE ELEVENTH DAY OF JULY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE K.C. BHANU

-

WRIT PETITION NO : 10861 of 2004 &

CONTEMPT CASE NO : 138 of 2005

1) WRIT PETITION NO : 10861 of 2004:

Between:

E.H.Krishna, S/o E.Srinivasa Rao, Ex-conductor,
Bukkarayasamudram (V & P), Anantapur District

..... PETITIONER

AND

1 Andhra Pradesh State Road Transport Corporation,
Mushirabad, Hyderabad, rep. by its Vice Chairman &
Managing Director,
2 Andhra Pradesh State Road Transport Corporation, rep.
by its Regional Manager, Anantapur Region, Anantapur,
3 Andhra Pradesh State Road Transport Corporation, rep. by
its Depot Manager, Kalyandurg Depot, Anantapur District

.....RESPONDENTS

Petition under Article 226 of the Constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue an order, direction or writ particularly one in the nature of Writ of Mandamus or any other appropriate writ declaring the proceedings No.P1/468(07)2004/KDG, dt. 12/05/2004 of 3rd respondent as illegal, arbitrary and violation of Article 21 of the Constitution of India and consequently direct the respondents to consider petitioner's case as per the section 47(1) of the Act 1 of 1995 for alternative employment like booking clerk, Announcer, Cashier, Traffic Leader or any other suitable job.

Counsel for the Petitioner: MR.G.B.S.S.PAPA RAO

Counsel for the Respondents: MR.P.VINAYAKA SWAMY

2) CONTEMPT CASE NO : 138 of 2005

(Contempt Case U/s. 10 to 12 of Contempt of Courts Act, 1971 to punish the Respondents herein for violating, disobeying the Order of the High Court dated 30.06.2004 in WPMP No. 13803 of 2004 in WP No. 10861 of 2004.

Between:

E.H. Krishna, S/o E. Srinivasa Rao, Ex-conductor,
R/o Bukkarayasamudram (V&P), Anantapur Dist.

..... PETITIONER

AND

1 Sri Gowtham Kumar , Vice Chairman & Managing Director,
A.P. State Road Transport Corporation, Mushirabad, Hyderabad.
2 Sri Prakash Rao, Regional Manager, APSRTC., Anantapur Region,
Anantapur.
3 Sri Shiv Shankar, Depot Manager, APSRTC., Kalyandurg Depot,
Anantapur Dist.

.....RESPONDENTS

Counsel for the Petitioner: MR.G.B.S.S.PAPA RAO

Counsel for the Respondents: Mr. P.Vinayaka Swamy..

The Court made the following :

COMMON ORDER:

Heard the learned counsel for the petitioner and the learned standing counsel appearing for the respondents.

Challenging the proceedings dated 12.05.2004 of the third respondent, the present Writ Petition is filed.

The facts are in narrow compass. By virtue of proceedings dated 12.05.2004, the petitioner was advised to submit his willingness within 15 days from the date of receipt of the said proceedings, as to whether he is willing to opt for retirement on medical grounds. The

grievance of the petitioner is that he was found medically unfit for the post he was holding and so, he has to be provided with suitable alternative employment as provided under Section 47(1) of the Persons with Disabilities (Equal opportunities, Protection of Rights and Full Participation) Act, 1995 (for short, “the Act”).

It is contended by the learned counsel for the petitioner that as per the opinion given by the Doctors, the petitioner was unfit for sramic post, and when he was directed to report for duty as sramic, the same was not accepted. Learned counsel for the respondents also contended that on being posted as sramic, the seniority, the pay and all other benefits will not be reduced nor does it affect in any manner the service conditions of the writ petitioner.

It is brought to the notice of this Court by the learned counsel for the petitioner that the petitioner is suffering from spinal cord problem and therefore, in case any difficulty is faced by the petitioner, liberty may be given to him to approach the competent authorities for another alternative employment. Giving such liberty, the Writ Petition is disposed of directing the petitioner to submit his willingness for appointment as sramic duly protecting his pay and other service benefits. No costs.

The Contempt Case is filed to punish the respondents for not complying with the orders of this Court in W.P.M.P. No. 13803 of 2004, dated 30.06.2004 whereunder this Court directed the respondents to provide alternative job in terms of Section 47 of the Act, to the petitioner. Thereafter, the third respondent issued the impugned proceedings offering to provide alternative arrangements. Since the respondents corporation offered alternative arrangements, it can not be said that there is any willful disobedience of orders of this Court. Therefore, the Contempt Case is devoid of merits and is, accordingly, dismissed.

11.07.2005

DRK

Copy to:

1. The Vice Chairman & Managing Director, Andhra Pradesh State Road Transport Corporation, Mushirabad, Hyderabad,

2 The Regional Manager, Andhra Pradesh State Road Transport Corporation, Anantapur Region, Anantapur,

3 The Depot Manager, Andhra Pradesh State Road Transport Corporation, Kalyandurg Depot, Anantapur District

4 Two CD copies.